

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

VICTOR ANDREWS, *on behalf of himself*  
*and all others similarly situated,*

Plaintiff,

-against-

BLICK ART MATERIALS, LLC.

Defendant.

17 CV 0767

**UNOPPOSED MOTION FOR ENTRY OF  
JUDGMENT**

COMES NOW Plaintiff VICTOR ANDREWS (“Plaintiff”), acting by means of his counsel pursuant to Rule 58 of the Federal Rules of Civil Procedure, and moves the Court to enter Judgment in this matter by approving and entering the Order attached hereto. Plaintiff has brought this lawsuit against Defendant BLICK ART MATERIALS, LLC (“Defendant”) based upon the contention that Defendant’s website [www.dickblick.com](http://www.dickblick.com) (the “Website”) does not comply with the accessibility requirements of Title III of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12181 et seq. (“ADA”), or with the accessibility requirements of New York State and New York City law. Defendant contends that: a) the Website is not in violation any law; b) Defendant has been working to improve the overall functionality and accessibility of the Website; c) it has been awaiting guidance from the Department of Justice (“DOJ”) which has yet to promulgate guidelines on website accessibility under the ADA; and d) it has retained a website accessibility technical coordinator to assist it in auditing the Website and improving accessibility to customers and potential customers who suffer from disabilities.

Rather than litigating this matter, the parties have reached a mutually satisfactory compromise. Defendant has agreed to revise (or, alternatively, cease operating) the Website. The revisions will take place according to a mutually-satisfactory schedule.

To ensure that Defendant's efforts are satisfactory, the parties worked to identify a means by which Defendant's compliance efforts could be judged. The parties agree that the U.S. Department of Justice has not yet issued any regulations that definitively establish whether the ADA imposes accessibility requirements upon the websites maintained by businesses that are engaged in commerce or that detail any specific requirements that websites must meet. In the absence of any definitive standard from the government, the parties have investigated the standards that are prevalent in the industry, and believe that the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA provide an appropriate standard by which to judge whether Defendant's Website is sufficiently accessible to comply with any duties imposed by the ADA as well as state and/or local law.<sup>1</sup>

Accordingly, Defendant has agreed to revise the Website to substantially meet the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA criteria, or alternatively, to cease operating the Website, within the timeframe set forth in the attached proposed Order.

Counsel for Plaintiff has conferred with counsel for Defendant and represents to the Court that Defendant does not object to the entry of judgment in the form attached.

The proposed judgment effectively remedies the issues pleaded in Plaintiff's Complaint and ensures that Defendant's Website will be accessible to visually-impaired customers.

WHEREFORE, Plaintiff requests the Court enter the judgment in the form attached hereto, setting the timeframe and guidelines for Defendant to revise the Website to substantially meet the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA criteria, or alternatively, to cease operating the Website. Plaintiff represents that the parties will bear their own fees and costs, except as otherwise provided in their agreement. Plaintiff requests that the Court retain jurisdiction to enforce Defendant's compliance with the terms of the judgment, including

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<sup>1</sup> See Web Content Accessibility Guidelines (WCAG) Overview, WEB ACCESSIBILITY INITIATIVE, <https://www.w3.org/WAI/intro/wcag> (last visited Aug. 29, 2017).

assessing any damages, costs, or legal fees reasonably and necessarily incurred by Plaintiff's counsel in post-judgment enforcement proceedings.

For the Plaintiff:

By: 

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